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UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,283	03/19/2001	Robert L. Fischer	02307O086121	2808
20350 7	590 04/15/2003		**	·
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			MEHTA, ASHWIN D	
SAN FRANCISCO, CA 94111-3834			WEHTA, A	SHWIND
			ART UNIT	PAPER NUMBER
			1638	
•			DATE MAILED: 04/15/2003	$\mathcal{O}_{1}$

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PARTMENT OF COMMERCE Patent and Trade. & Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION		ATTORNEY DOCKET NO.
09/812,283	3/19/01	Fisher	03070086121	
			EXAMINER	
		•	Mehta	
		,	ART UNIT	PAPER
		•	1638	9

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Commissioner of Patents and Trademarks**

The reply filed on 21 January 2003 is not fully responsive to the Office action mailed 15 July 2002 because of the following omission(s) or matter(s): Applicants have not addressed the objections to the drawings by the Draftsperson noted in form PTO 948. Corrections to the drawings must be addressed in the time period set for reply in the Office action to which it is attached, and cannot be held in abeyance. Also, regarding the obviousness-type double patenting rejection, Applicants only indicate that they will address the issue when the claims have been indicated as otherwise allowable (response, page 5, 3<sup>rd</sup> paragraph). However, Applicants cannot hold their response in abeyance. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or OTHIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omissions or corrections in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this or earlier communications from the examiner should be directed to Ashwin Mehta, whose telephone number is 703-306-4540. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays from 8:00 A.M to 5:30 306-3218. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 and 703-872-9306 for regular communications and 703-872-9307 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

April 9, 2003

ASHWIN D. MEHTA, PH.D PATENT EXAMINER

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.usdio.gov

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	·	ATTORNEY DOCKET NO.
09/812,283	03/19/01	Fisher	02307O086121  EXAMINER  Mehta	
			ART UNIT	PAPER
			1638	109
			DATE MAILED:	

Please find below and/or attached an Office communication concerning this application or proceeding.

## **Commissioner of Patents**

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

APPLICANT IS GIVEN 30 days FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R.. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication from the examiner should be directed to Ashwin Mehta, whose telephone number is (703) 306-4540. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays from 8:00AM-5:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson, can be reached at (703) 306-3218. The fax numbers for the organization where this application or proceeding is assigned are (703) 308-4242 and (703) 872-9306 for regular communications and (703) 872-9307 for After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

April 9, 2003

ASHWIN D. MEHTA, PH.D.

Notice to Comply    Mehta		•	Application No.	Applicant(s)		
NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.138(a)).  The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 or the following reason(s):  1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821.1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after.July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).  2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(e).  3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).  4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."  5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.822(e).  6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).  7. Other: The paper copy of the sequence Listing is missing pages 75-79. The cover sheet of a fax sent on 14 May	Notice to 0		09/812 283	• •		
NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  Applicant must file the Items indicated below within the time period set the Office action to which the Notice is attached to avoid abandomment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR. 1.38(a)).  The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):  1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821.1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 35 FR 29620 (June 1, 1998) and 1211 OG 22 (June 23, 1998).  2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).  3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).  4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."  5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).  6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).  7. Other: The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Seque		Notice to Comply				
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Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandomment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR. 1.36(a)).  The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):  1. This application clearly falls to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).  2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).  3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).  4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing" to the content of the computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).  3. C.Ther: The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).  4. Other: The paper copy of the sequence listing is missing pages 75-79. The cover sheet of a fax sent on 14 May 2002 indicates that pages 25 and 74-79, were enclosed. However, only pages 25 and 74 were "Fig		NOTICE TO COMPLY WITH BEOL	Mehta	1638		
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<ul> <li>1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG-82 (June 23, 1998).</li> <li>□ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).</li> <li>□ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).</li> <li>□ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up' Raw Sequence Listing."</li> <li>□ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).</li> <li>□ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).</li> <li>□ 7. Other: The paper copy of the sequence listing is missing pages 75-79. The cover sheet of a fax sent on 14 May 2002 indicates that pages 25 and 74-79 were enclosed. However, only pages 25 and 74 were Applicant Must Provide:  An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.</li> <li>□ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).</li> <li>For Questions regarding co</li></ul>		Applicant must file the items indicated below within the time period set the Office action to which the Notice stattached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the				
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